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HOW THE

U. S. TREATY WITH CHINA

IS

OBSERVED IN CALIFORNIA.

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FOR THE CONSIDERATION OF THE AMERICAN PEOPLE

AND GOVERNMENT,

BY

The Friends of International Right and Justice.

SAN FRANCISCO: SEPTEMBER 13, 1877.

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## PRELIMINARY REMARKS.

The Treaty of 1868 between China and the United States, commonly known as the "Burlingame Treaty," contains the following:

"ART. 6. Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities or exemptions in respect to trade or residence as may there be enjoyed by the citizens or subjects of the most favored nation, and reciprocally Chinese subjects, visiting or residing in the United States, shall enjoy the same privileges, immunities and exemptions, in respect to travel or residence, as may there be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer neutralization upon the citizens of the United States in China, nor upon the subjects of China in the United States."

No complaint has yet been made, as far as the public is aware, by citizens of the United States visiting or residing in China, of any ill-treatment and persecution by the Chinese people and civil authorities. Now, how have the Chinese in California been treated under the protection of the United States Government? Let the Public Record speak:

First—When traveling on railroad cars and steamers, often they are not granted the same accommodations as other passengers have, notwithstanding they pay for the same privileges.

Second—In violation of Articles 6th and 7th of the Treaty they are refused

admission into the public schools, notwithstanding they pay their pro-rata of the school tax, both State and municipal.

Third—They are frequently robbed by poll-tax collectors.

Here is how the *Oakland News* has described the practice, as it calls it, of "robbing the Chinamen": "In early days every ruffian who was 'broke' would consider himself a collector of the foreign miners' tax, and the Chinamen were continually exposed to raids by these 'tax collectors.' They appear to be playing the same game over in San Francisco, but in a more guarded manner. It is quite common for poll-tax collectors to station themselves by the gate at the ferry landing and permit no Chinamen to pass through without paying the poll-tax. Most of them work on this side of the Bay, and have already paid their tax. Why don't the collector stop white men, also, and make them pay poll-tax? It is because any fellow who should attempt such a swindle on a man who knew how to take care of himself, would soon find himself in serious trouble. It is stated that when Chinamen have shown poll-tax receipts from this county, the San Francisco officers took them away, and compelled the Chinamen to pay again."

Fourth--The Chinese are oppressed by unjust and special legislation; witness

## THE CUBIC AIR LAW

AND THE

### CUE CUTTING ORDINANCE,

Two oppressive acts still in force against the Chinese.

## ARGUMENT

BY

B. S. BROOKS, Counsellor at Law.

With other Documentary Evidence relating thereto.

### NO. I.

#### THE CUBIC AIR LAW.

Perhaps the most inexcusable of all the Acts of the Legislature of California, is what is known as the Cubic Air Law, because, its passage was not called for by any public necessity; it is habitually violated by the majority of the white population; it was never enforced in a single instance against any one but Chinese; and it has no assignable motive, but malice, hatred and ill will. Supplemented as it is by the Cue Cutting Ordinance, it is a palpable violation of the treaty, the constitution, and the inalienable rights of man. Under color of these laws, these poor people have been robbed of many thousands of dollars, and the robbery still proceeds at intervals. It would not produce so much money if enforced constantly. Here is the law alluded to:

## CHAPTER CCCCXCVI.

AN ACT CONCERNING LODGING HOUSES AND SLEEPING APARTMENTS, WITHIN THE LIMITS OF INCORPORATED CITIES.

[Approved April 3, 1876.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Every person who owns, leases, lets or hires to any person or persons, any room or apartment in any building, house or other structure, within the limits of any incorporated city, or city and county, within the State of California, for the purpose of a lodging or sleeping apartment, which room or apartment contains less than five hundred cubic feet of space in the clear, for each person so occupying such room or apartment, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than fifty (50) dollars, or more than five hundred (500) dollars, or by imprisonment in the County Jail, or by both such fine or imprisonment.

SEC. 2. Any person or persons found sleeping or lodging, or who hires or uses for the purpose of sleeping in, any room or apartment which contains less than five hundred (500) cubic feet of space, in the clear, for each person so occupying such room or apartment, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than ten (10) or more than fifty (50) dollars, or by both such fine and imprisonment.

SEC. 3. It shall be the duty of the Chief of Police (or such other person to whom the police powers of a city are delegated) to detail a competent and qualified officer, or officers, of the regular force, to examine into any violation of any of the provisions of this act and to



arrest any person guilty of any such violation.

Sec. 4. The provisions of this Act shall not be construed to apply to hospitals, jails, prisons, insane asylums, or other public institutions.

Sec. 5. All Acts or parts of Acts, in conflict with the provisions of this Act, are hereby repealed.

Sec. 6. This Act shall take effect, and be in force from and after its passage.

It will be observed, that the first section of this Act imposes a heavy penalty upon the landlord who leases apartments to be occupied for sleeping by more persons than one to every five hundred cubic feet of space. No arrest was ever made under this section, nor could any conviction be had under it. It is a mere sham and delusion. It could not be shown that any person leased the room *for the purpose* of being so occupied. But under the second section numerous arrests have been made of *Chinese, and of no other persons*. The law is violated every night by many thousands of white people in San Francisco; but not a solitary instance of an arrest of a white person has occurred. The 3d section makes it the duty of the Chief of Police to detail a competent officer or officers to arrest violators of this law. This is not done continuously. But every little while "a *raid*," as it is called, is made upon the Chinese quarter, and a large number brought in, convicted and fined. The fines, until lately have been ten dollars each, but I have noticed that the fine has lately been increased to forty dollars.

The persons arrested are unable to read our laws. They are unconscious of having committed any offense. They have done no harm to anyone. They are not accustomed to any such restraint in their own country, and the tax is to them enormous. They come to this

country upon vessels of the United States. On these vessels they have *ninety-six* cubic feet by law. On a voyage lasting from thirty to sixty days, or even more, that is the amount of space which Congress in its wisdom has declared to be sufficient. (R. S. 4252.) "The space appropriated for the use of such passengers, and which shall not be occupied by stores or other goods, *not the personal baggage of such passengers*, shall be in the following proportions: On the main and poop-deck, platform and in the deck-houses, if there be any, one passenger for each sixteen clear superficial feet of deck, if the height or distance between each deck or platform shall not be less than six feet."

Yet, on arrival in San Francisco, in the middle of the night, they are arrested, taken from their warm quarters, thrust into the cold air of the night, taken to the city prison and confined where they do not have more than one hundred feet of cubic air, perhaps not half that amount.

There is no excuse for the law. There is no public need that requires it. No instance has occurred of any sickness arising from the want of sufficient air on shipboard. No disease has arisen in the Chinese quarter from this cause, nor in any other part of the city.

In the State Prison the allowance of air to each criminal does not equal one hundred and twenty five feet. Yet the residing physician, Dr. Alfred W. Taliaferro, in his report for 1869, (the only one I have at hand) says: "There has been no death from any acute disease contracted here; all of the deaths were with those who brought the seeds of it with them. There was in all, confined here during the year 1868, some 1,350 men, and about the same number in 1869. The rate of mortality is therefore unusually low



for so large a body of men, subjected as these are by so many moral and physical causes to disease. *There is no prevailing disease here.* The physician is often called upon to heal disease, but generally it has been brought on by either hereditary taint or their own [in] discretion, or the seeds of the disease of some other locality, have come with them." The table of patients treated sustain his conclusions. In the Jail of the City and County of San Francisco, the packing is still closer, and in the City Prison, which is entirely underground, in the cellar of the building occupied as a City Hall (built originally for a theatre) it is still worse. And yet no single case has been reported of any detriment resulting from this close packing. Yet any one will see that the effect must be much greater upon persons who are confined in stone cells, measurably air tight, for the whole time, as in the City Prison and County Jail, or half the time as in the State Prison, than among the Chinese, sleeping in their wooden houses for six or eight hours of the night, and out in the open air the rest of the time. It will be noticed that Sec. 4 of the Act provides that it shall not be construed to apply to hospitals, jails, insane asylums and other public institutions. This is in itself a confession of the injustice and unreasonableness of the law, for it needs no argument to show that a limit which is not required for these institutions cannot be required in private apartments, and certainly not to the extent of making it a criminal offense to violate it.

The *Sacramento—Record—Union*, a strong anti-Chinese paper, in its issue of November 16, thus speaks of this matter.

#### THE CUBIC AIR HUMBUG.

"We observe that our police authorities the other day resolved to enforce the so called cubic-air ordi-

nance which has been pressed with such inequitable rigor in San Francisco. It may be in order to observe, therefore, that of all the unjust pieces of humbug invented by demagogues, this cubic-air business is perhaps the most monstrous. For to decree that no person shall sleep in an apartment which does not supply him or her five hundred cubic feet of air is to decree that nineteen-twentieths of the community shall enlarge their domicile. The persons who framed the law evidently did not know what they were doing, beyond the fact that they were legislating against the Chinese. But the Constitution requires that all laws shall have a uniform operation, and it is therefore incumbent on the police to see that everybody, white people as well as Chinese—have their lawful five hundred cubic feet of air. If this is faithfully done, the result will be to prove that ten per cent. of the whole population of California sleep without infringing the law. For the truth is that it is very rare to find apartments occupied by more than one person which afford at the rate of five hundred cubic feet of air to each person, and it is not the Chinese alone which fail to come up to the legal standard in this respect. And if our officers wish to satisfy themselves in this matter, perhaps they would do well to begin by measuring the rooms where they themselves sleep, and if they find that they are habitual law breakers, it may occur to them that awkward difficulties are likely to arise in carrying out the law. If it is to be enforced at all, however, we must protest against its being limited to one class. If it is good for the health of the Chinese that they should have their five hundred feet of air, it must be equally good for us all, and we are not disposed to submit to a process which discriminates so injuriously against the noble Caucasian race.



What better right has a Chinaman than a white man, to be ventilated? If purification is the watchword, let all share in its blessings alike, and do not devote all the sanitary wisdom of the city to the Mongolian."

It appears from the report of the chief of police for the year 1873-4, that 152 arrests for violating the law were made in July, 1873, and 95 in August, and no more were arrested during the fiscal year ending May 1, 1874. Of these, 70 were discharged, and 177 convicted, and the amount of cash realized, \$2,060. It can hardly be supposed that there were no violations of the law except in these two months. In the report for the year ending June 30, 1875, no arrests are specified as made for this cause. If any were made, they are probably included under the head "misdemeanor," of which there were 806, 620 convictions, and the fines \$6,657. It is impossible to say how many, if any, were for violation of this law. It is probable, however, that no arrests were made, as in the report for the year ending June 30, 1876, I find the offense stated there under the head "Lodging Law, (violating);" but no arrests until April 1876, and in the months of April, May and June, there are 518 arrests. It is not stated what disposition was made of them. It is probable that the cessation of arrests was due to the fact that these Chinese, being unable to pay the fines, were sent to prison, and these consequently became crowded, and no one benefitted by it.

## NO. II.

### THE QUEUE-CUTTING ORDINANCE.

A brilliant idea occurred to one of the Supervisors. Chinamen wear their hair in a peculiar manner. They shave the front of the head, and letting the hair grow long behind, braid it into a queue, which, eked out with silk, reaches nearly to

their heels. This is sacred. Its preservation is essential to his standing, here and hereafter. To cut the queue off is a greater outrage to him than any other that could be devised. A white Supervisor framed an ordinance, and a Board of Supervisors pretending to be civilized, passed it, the sole purpose and object of which was to extort money—to compel Chinamen to pay the fines imposed upon them. If they have no means to pay, they must suffer all the same. A Chinaman said to me, "Cut off my queue, cut off my head, 'tis all the same." Here is the ordinance:

### ORDER No. 1294.

Amending Section 8, of Chapter 2, of Order 697.

Providing punishment for prisoners who refuse to labor on the public works, and for the cutting of the hair on the heads of male prisoners' to a uniform length.

The People of the City and County of San Francisco, do ordain as follows:

Section 1. Section 8, of Chapter 27 of Order No. 96 is hereby amended so as to read as follows:

[Providing punishment for prisoners who refuse to labor or do public works.]

Sec. 8. Any person undergoing or serving out a term of imprisonment rendered in a criminal action or proceeding, who refuse to labor, or does not labor on the public works or ways, when so required, shall be deemed guilty of a misdemeanor.

The Sheriff is hereby empowered and required to feed any refractory prisoner or prisoners on a diet of bread and water, during the time that such prisoner or prisoners refuse to labor, or does not labor on said public works, when required or otherwise violates the discipline



of the jail ; and to inflict upon such prisoner or prisoners such other and additional punishment, by solitary confinement, as may be deemed necessary and proper in the judgment of the Committee on Health and Police, during the time that such prisoners remain refractory.

Each and every male prisoner incarcerated or imprisoned in the County Jail of this city and county under or pursuant to a judgment or conviction, had by any court having jurisdiction of criminal cases in this city and county, shall, immediately upon their arrival at said County Jail, under and pursuant to a judgment or sentence as aforesaid, have the hair of their head cut or clipped to a uniform length of one inch from the scalp thereof. It shall be, and is hereby, made the duty of the Sheriff to have enforced the provisions of this order.

In Board of Supervisors, San Francisco, June 12, 1876, after having been published five successive days, according to law, taken up and passed by the following vote :

Ayes—Supervisors Drucker, Edwards, Bryan, Wise, Shine, Eaton, Hayes, Roberts, Gibbs, Macdonald.

Noes—Supervisors Strother and Boyce.

JNO. A. RUSSELL, Clerk.

Approved San Francisco, June 14, 1876.

A. J. BRYANT, Mayor,

And ex-officio President Board of Supervisors.\*

\*Extract from the "Brief of the Legislation and adjudication touching the Chinese Question, referred to the Joint Committee of both Houses of Congress. By B. S. Brooks, counsellor at law."

### NO. III.

#### ADDITIONAL EVIDENCE CONCERNING THE INJUSTICE AND ILLEGALITY OF THE QUEUE-CUTTING ORDER.

On May 26th, 1873, two iniquitous orders were passed by the Board of

Supervisors of San Francisco, known as "the Pagan Orders" on account of their special aim against the Chinese as oppressive measures. The first was commonly called "the Bob-tail" or Queue-cutting Order, and the second, the Laundry Ordinance. Fortunately for the city and county of San Francisco there was then at the helm of the Municipal Government,

THE HONORABLE WILLIAM ALVORD.

A man of spotless integrity and invincible fortitude who barred like a stone wall the aggressions of foreign fanaticism, selfishness and intolerance against our liberal laws and international treaties. He promptly vetoed the nefarious legislation and thereby earned the applause of the State and Nation. Here is his very able message that admits of no reply :

#### MAYOR ALVORD'S VETO OF THE QUEUE-CUTTING ORDINANCE, IN 1873.

MAYOR'S OFFICE,

San Francisco, June 9th, 1873.

To the Hon., the Board of Supervisors—Gentlemen : Order No. 1097 "To provide for certain regulations regarding prisoners under sentence in the county jail of the city and county of San Francisco," passed by your Honorable Board on the 2d day of June, 1873, has been presented to me for my approval. After maturely considering said order, I now return the same to your Honorable Body, as I am unwilling to approve or sign it.

My objections to said order are the following :

1st. The manifest motive of said order is to inflict upon the persons of Chinese, convicted of misdemeanors, a punishment, which, in their estimation, is shameful and degrading. In my judgement, minor offences, which do not belong to the class of crimes called "infamous,"



should not be punished by the penalties which inflict disgrace upon the person of the offender.

#### THE TREATY OF 1858.

2d. On the 18th of June, 1859, a "Treaty of peace, amity and commerce between the United States and China," was concluded at Tientsin. This treaty was ratified by the United States on December 21st, 1858, and was proclaimed by the President of the United States on January 26th, 1860.

The preamble of this treaty recites:

WHEREAS, The United States of America and the Ta-Tsing Empire, desiring to maintain firm, lasting and sincere friendship, have resolved to renew, in a manner clear and positive, by means of a treaty or general convention of peace, amity and commerce, the rules which shall in future be mutually observed in the intercourse of their respective countries, etc.

The following are some of the provisions of said treaty:

ARTICLE 1. There shall be, as there have always been, peace and friendship between the United States of America and the Ta-Tsing Empire, and between their people respectively. They shall not insult or oppose each other for any trifling cause, so as to produce estrangement between them, etc.

ART. 2. All citizens of the United States of America in China, peaceably attending to their affairs, being on a common footing of amity and good will with the subjects of China, shall receive and enjoy for themselves, and everything appertaining to them the protection of the local authorities of government, who shall defend them from all insult or injury of any sort. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the Consul,

shall immediately dispatch a military force to disperse the rioters, apprehend the guilty individuals, and punish them with the utmost rigor of the law, etc.

ART. 19. The principles of the Christian religion, as professed by the Protestant and Roman Catholic churches are recognized as teaching men to do good, and to do to others as they would have others do to them, etc.

#### THE TREATY OF 1868.

The following were some of said additional articles:

ART. 4. The twenty-ninth article of the treaty of June 18, 1858, having stipulated for the exemption of Christian citizens of the United States, and Chinese converts from persecution in China on account of their faith, it is further agreed that citizens of the United States in China of every religious persuasion and Chinese subjects in the United States, shall enjoy entire liberty of conscience, and shall be exempt from all disability or persecution on account of their religious faith or worship in either country. Cemeteries for sepulture of the dead of whatever nativity or nationality, shall be held in respect and free from disturbance or profanation.

ART. 5. The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantages of the free migration and emigration of their citizens and subjects, respectively, from one country to the other, for purposes of trade, curiosity, or as permanent residents, etc.

ART. 6. Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities or exemptions in respect to trade or residence as there may be enjoyed by the citizens or subjects of the most favored nation, and recip-



rocally Chinese subjects, visiting or residing in the United States, shall enjoy the same privileges, immunities and exemptions, in respect to travel or residence, as may there be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.

ART. 7. Citizens of the United States shall enjoy all the privileges of educational institutions under the control of the government of China, and reciprocally, Chinese subjects shall enjoy all the privileges of the public educational institutions under the control of the government of the United States which are enjoyed in the respective countries by the citizens or subjects of the most favored nation. The Citizens of the United States may freely establish and maintain schools within the Empire of China, at those places where foreigners are by treaty permitted to reside, and reciprocally Chinese subjects may enjoy the same privileges and immunities in the United States."

#### THE TREATIES THE SUPREME LAW.

These treaties are the sureme law of the land, and are as binding upon your Honorable body and upon myself as the express statute of our own State Legislature.

By these treaties our Federal Government have pledged the National faith to firm, lasting and sincere friendship with the Chinese Empire; have promised that the people of the United States should not, for any trifling cause, insult and oppress the people of China; have covenanted that Chinese subjects in the United States should be exempt from all disability or persecution on account of their religious faith; have asserted that there is mutual advantage from the free migration and emigration of the citizens of the two countries, the United States and China—respectively, from one country to the other, for the purpose of trade or curiosity or trade, or

permanent residence; have solemnly engaged that Chinese subjects residing in the United States should enjoy the same privileges, immunities and exemptions, in respect to travel or residence, as the citizens of the most favored nation; and finally, have invoked in the dealings of the two nations the Christian sentiment, "Do unto others as you would have them do unto you."

The passage of such an enactment would, in my judgment, be a clear and palpable violation of the provisions of the aforssaid Treaties, a breach of allegiance to the Federal Government, and a manifest disregard of your and my obligations as citizens of the United States of America.

#### THE CIVIL RIGHTS ACT.

3d. On the 31st of May, 1870 the Congress of the United Statss passed an Act, generally called the Civil Rights Act, which provides as follows:

SEC. 16. That all persons within the jurisdiction of the United States shall have the same right in every State and Territory of the United States to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses and exactions of every kind, and none other, any law, statute, ordinance, regulation or custom, to this contrary notwithstanding. No tax or charge shall be imposed or enforced by any State upon any person, immigrating thereto from a foreign country, which is not equally imposed and enforced upon every person immigrating to such State from any other foreign country, and any law of any State in conflict with this provision is hereby declared null and void.

SEC. 17. That any person who, under color of any law, statute, ordinance, regulation or custom, shall subject, or

cause to be subjected any inhabitant of any State or Territory to the deprivation of any right secured or protected by the last preceding section of this Act, or to different punishment, pains or penalties, on account of such person being an alien, or by reason of his color or race, than is prescribed for the punishment of citizens, shall be deemed guilty of misdemeanor, and on conviction, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the Court.

SEC. 18. That the Act to protect all persons in the United States in their civil rights, and furnish the means for their vindication, passed April nine, eighteen hundred and sixty-six, is hereby re-enacted, and sections sixteen and seventeen hereof shall be enforced, according to the provisions of said Act.

Considering your said Order No. 1,997, to be of the character, and made for the purposes, which I have already stated, it is in my judgment obnoxious to the foregoing provisions of the Civil Rights Act, as being, though general in its terms, in substance and effect, a special and degrading punishment inflicted upon Chinese residents for slight offenses, solely by reason of their alienage and race.

#### SOURCE AND LIMIT OF THE POWER OF BOARD.

4th. The power of your honorable body to prescribe penalties is derived from the 7th section of the Consolidation Act, which provides as follows:

SEC. 74. The Board of Supervisors of the city and county of San Francisco shall have power, by regulation or order. \* \* Eleventh—To determine the fines, forfeitures and penalties that shall be incurred for the breach of regulations established by the said Board of Supervisors, and also for a violation of the provisions of this Act,

where no penalty is affixed thereto, or provided by law; but no penalty to be imposed shall exceed the amount of one thousand dollars, or six months' imprisonment, or both.

The 74th Section of the Consolidation Act in defining the word Penalties, as there used, to include both fine and six months' imprisonment, has given a broader signification to the word than is usual.

In law, the word Penalty is usually applied to a pecuniary punishment. Penalty is defined in Burrill's Law Dictionary as a "pecuniary punishment, or sum of money imposed by statute to be paid as a punishment for the commission of a certain offense."

This delegation of legislative authority to your Honorable body, especially when it relates to fines, forfeitures and penalties, must, according to the ordinary rules governing statutory interpretation, be strictly construed.

The same section which confers the power in question, also limits it: "No penalty to be imposed shall exceed the amount of one thousand dollars, or six months' imprisonment, or both."

This limitation, in my judgment, not only fixes the extreme amount of the fine and imprisonment which you can impose for the breach of regulations you have established, but also restricts you as to the kind and the character of the punishment which you can inflict.

Under this grant of power you cannot prescribe whipping or branding, or any other mode of punishment than fine or imprisonment, or both, to the limited extent expressed in said 74th section. The mode in which your power in this regard can be exercised is defined by the Consolidation Act, and must be strictly followed, for the mode is the measure of your power.

THE BOARD HAS NO POWER TO ENACT THE ORDER.

In my judgment, therefore, you have



no power, under the statute creating and defining your authority, to enact said order, because it imposes a punishment not enumerated and character from fine and imprisonment, and one which is new, unusual, and to a certain class of our population, especially degrading.

With respect to the wisdom and policy of encouraging Chinese immigration, reasonable and honest differences of opinion exist; but this fact should not induce any of us to attempt to defeat the operations of the Federal Government in reference to this or any other class of foreign immigration.

The whole subject is one specially and exclusively within the jurisdiction and control of the general government, under and by virtue of those powers which have been surrendered to it by the several States, and no State, much less a municipal corporation within a State, can legally or justifiably or effectively interfere with the national will or policy in this regard.

My attention has been called to a case in point decided in the Supreme Court of this State, where it was held, as follows:

In *Lin Sing vs. Washburne*, 20 California Reports, 575, our State Supreme Court has said: "It has always been the policy of the Government to encourage immigration, and the most liberal system of laws has been adopted to induce foreigners to come to the country for the purpose of settlement and traffic. The fruits of this system are to be seen in the rapid increase of our population, the settlement and improvement of our fertile and extensive domain, and the millions of wealth added year after year to every branch of industry and trade. The results of the system demonstrate its wisdom, but whether wise or unwise, it is a system which the Government had the right to adopt, and with which

no State can constitutionally interfere. The whole subject of trade and intercourse has been confided to the national will, and if a State may so use its reserved powers as to defeat the operations of this will, the Constitution, instead of being a practical instrument, is a shadow and a myth."

So long as the Nation, through its Legislature and Executive Departments, enlarges its commerce by Treaties with Asiatic countries, and to secure protection to its own citizens in those countries, pledges protection to their citizens in this country, it is the duty of the Federal Government, as an honorable and Christian Power, to maintain and enforce these pledges; and of ourselves, as just and law-abiding citizens, to fulfill the obligations which flow.

#### OPINION OF JUSTICE FIELD.

As Justice Field has observed, in a charge given by him to a Grand Jury of this district: "If public policy requires that the Chinese should be excluded from our shores, let the General Government so provide and declare, but until it does so provide and declare, they have a perfect right to immigrate to this country, and whilst here, they are entitled, equally with all others, to the full protection of our laws."

I trust, that after having considered the above quoted laws and legal authorities, your Honorable body will concur with me in the objections now submitted.

WILLIAM ALVORD, Mayor.

EMPHATIC APPROVAL BY THE PRESS EVERYWHERE OF THE DEFEAT IN 1873  
OF THE CUE-CUTTING ORDINANCE  
AND SCATHING REBUKE TO  
THE ILLIBERAL SUPERVISORS.

VOICE OF THE CALIFORNIA PRESS ON THE  
VETO OF THE CHINESE ORDINANCE.

"The veto message of Mayor Alvord is a clear and unanswerable argument



against the legality of the proposed legislation, plainly showing that it not only contravenes the provisions of the existing treaties between this government and China, but is in violation of Sections 16 and 17 of the Act of Congress approved May 21, 1870, known as the "Civil Rights Act."—Los Angeles Evening Express, June 13, 1873.

THE "PIG-TAIL ORDINANCE."

"The Board of Supervisors have no right to enact penalties not created by the Legislature, hence, a State Supreme Court would declare the ordinance to be in violation of the State Constitution."—Sacramento Bee.

"All good citizens will sustain the Mayor in his rebuke of the bigoted Board of Supervisors."—Oakland Daily Transcript, June 11.

"THE MAYOR'S VETO."

"We are grateful to Mayor Alvord for his vetoes of the "Pig-tail" and "Wash-house" ordinances, which will go so far toward relieving us from the shame and reproach of a deliberate breach of treaty obligations and violations of the principles of common justice and humanity."—Contra Costa Gazette.

"MAYOR ALVORD'S VETO."

"The Mayor of San Francisco has earned the applause of the Nation for his manly and honorable action on the Chinese question. \* \* \*

Well and bravely done, Mayor Alvord. The State and the Nation will set the seal of its warmest approbation upon an act at once so timely and so manly."—Santa Barbara Press, June 14.

VOICE OF THE EASTERN PRESS.

"The action of Mayor Alvord meets the approval of the great majority of the public, including even those opposed to Chinese immigration, as the attempted municipal legislation had taken the form of persecution."—Boston Journal, June 11.

The New York Tribune of June 11th, 1873, had the following: "Mayor Alvord of San Francisco has done a manly and sensible thing in refusing to approve two of the infamous anti-Chinese ordinances lately passed by the San Francisco Supervisors. The Board seems to be organized in the interest of the anti-Chinese party, and it lately passed, by a vote of seven to three, an ordinance requiring that the hair of all persons confined in the County Jail be cropped close to the head. \* \*

It is too late to attempt to stay any tide of immigration by special legislation discriminating against race or color. This, at least, is certain. "What possible remedy for the ills complained of yet remains, we cannot say. Probably the San Francisco Supervisors consider they have the right to violate the plain principles of Republicanism as well as the spirit of the treaty between the United States and China. There are twelve members of their Board, eight of whom may override the Mayor's veto of an ordinance which seven voted to pass. But this is not the way to cure the Chinese evil."—New York Tribune, June 11, 1873.

The Mayor of San Francisco has exhibited commendable liberality in vetoing a recent ordinance of the Board of Supervisors of that city requiring the heads of Chinese prisoners to be shaved of their queues, and another bill making exorbitant and unjust restrictions upon Chinese laundrymen. The city legislation has taken the form of persecution, and the action of the Mayor, it is gratifying to know, meets the approbation of the respectable public of that city.—Hartford Courant, June 14th.

The action of Mayor Alvord is right, and we are glad to learn that it meets the approval of the great majority of the San Francisco public, including even those opposed to Chinese immigration,



as the attempted municipal legislation had taken the form of downright persecution. The ordinance referred to would have disgraced a nation of barbarians." — Albany Evening Journal, June 10.

#### NO. IV.

##### INFAMOUS RE-ENACTMENT OF THE BARBAROUS ORDINANCE IN 1876.

Yet in defiance of this public sentiment in violation of the law of the State, and of the United States, in violation of our international treaty with China, the present Board of Supervisors, A. J. Bryant, being Mayor, on the 12th of June, 1876, just three years after defeat, have had the effrontery to re-enact and pass the same iniquitous law! Sheriff Adams declared in 1873, that if the order had been approved, he would have refused to execute it, and the United States Marshal threatened with arrest the Supervisors, if they enforced it. Judges and lawyers were then almost unanimous regarding its illegality. But under Mayor Bryant a great change has come on a sudden. Sheriff Nunan, an Irish Catholic in good standing, sees no wrong in executing the law, and Judge W. S. Dwinelle of the Fifteenth District Court has decided that the order as a prison regulation is perfectly legal and not at all conflicting with any law, municipal, State, National or international. The Honorable Judge believes that it is not an unusual practice of prison discipline to cut prisoners' hair and queues, which in his estimation are one and the same thing; nor is it directed against the Chinese alone, notwithstanding they alone wear queues; nor is it a punishment at all, which the City Council cannot decree, though it causes deep sorrow and humiliation to the shorn Celestial who reveres that ancient custom.

##### FURTHER CHINESE GRIEVANCES.

They are often assaulted, beaten and

pelted with stones by young hoodlums in the public streets, without receiving relief from the police, notwithstanding the repeated appeals made to them. They have been attacked by mobs, their wash houses and property burned, and some of their countrymen have fallen victims to the assassin's knife and pistol; witness the burning of their quarters at Antioch, in 1876, the great riot in San Francisco in 1877, and the Chico murders in March, the expulsion from Rocklin in September.

A starvation system has now been inaugurated by the anti-coolie organizations under the cry of "non-employment and non-intercourse with the Chinese," by which it is sought to deprive them of the right to work for a living, and to ostracise all who give them employment, trade, or have intercourse with them. The many anonymous and threatening letters received by employers, both in the city and country, and the Drumm street fire in San Francisco, which followed these letters, are undisputed evidence of the object of the anti-Chinese organization. In Alameda and other counties the farmers have been constrained to organize a Committee of Safety to protect themselves from incendiarism by anti-coolies.

#### A FAIR QUESTION.

Is there an instance in the new and old world, of a breach of national faith toward a foreign people like this? And having so grossly violated our international compact with China, for which the authors are entitled to fine and imprisonment, it is now actually being asked in an arrogant manner from the Federal Government that the treaty with China be abolished, and the law repealed, which would seem like an endorsement of the violations of the treaty perpetrated by the anti-Chinese. Can bare-faced temerity go any further?

#### AN APPEAL TO CONGRESS.

Knowing these facts, seeing that the Civil Rights Act and the provisions of the Federal Treaty with China are so grossly and defiantly violated by our municipal and State Government, will Congress remain supine and take no notice of this flagrant breach of national faith? Will it have no regard for the honor and credit of our nation before

the world? Can it afford to let international stipulations be violated with impunity by an irresponsible Board of Supervisors and other civil officers at the very probable risk of some day being called upon by the Chinese Government to pay indemnity for the barbarous treatment suffered by its subjects at the hands of our civil authorities? Cer-

tainly if we have a right to exact indemnity from Mexico for outrages committed upon our citizens, why should not China have the same right for wrongs done to her citizens? The fair name of free America has been disgraced long enough by the outrages committed on the Chinese in California. It is time to stop them.





## APPENDIX.

# A Wide-Spread Conspiracy,

BY SECRET ANTI-CHINESE ORGANIZATIONS TO FORCE CHINESE LABOR  
OUT OF THE STATE.

## Imperative Duty of the Civil Authorities!

### PORTENTOUS FACTS.

#### FACT No. I.—THE CHICO MASSACRE.

A feeling of horror pervaded the entire community on the evening of the 15th of March, when the telegraph announced that three helpless Chinamen without cause or provocation, had been shot down by unknown assassins in their cabin at Chico, and two fatally wounded. The feeling was more intensified the following day when the people learned from the dispatches to the Associated Press the following particulars:

“On arriving on the ground we went up to the cabin, and the ghastly sight which presented itself to our gaze was most appalling. On the ground at the entrance there lay a stalwart Chinaman, on his face, with a bullet wound in his head and blood and brains forming a pool around him. The second lay about a foot from him, nearly in the same condition; while a third lay partially over the second, also wounded in the head. The fourth was lying in an opposite direction to the other three, with his face partially upon the matting on the bed, with a terrible wound in his face, which showed that his murderer had been close to him. He was still alive, though unconscious, but died during the time the inquest was being held. The fifth Chinaman was wounded in the breast, but managed to escape to the other side of the slough, where he was found in a dying condition. He was brought to town, but there is little chance for his recovery.

The sixth Chinaman was wounded in

the arm by a small man or a boy. It is only a flesh wound, and he says that at the time they aimed at him he threw up his left arm and fell back and lay perfectly still. Thinking they had completed their work of slaughter, kerosene was poured over the place and a match applied, in the hope to obliterate their bloody record. After setting the fire, they hastily made their escape, but the wounded man, who had lain perfectly still, arose after their departure and put out the flames. He made his way to town, but nothing was done till this morning.—*Alta*, March 16, 1877.

#### OUTRAGES WHICH PRECEDED THE MUR- DERS.

There are two China towns adjacent to Chico, one called New Town and the other called Old Town. To reach one from the other a portion of the populated part of the city must be traversed. A week ago two parties on horseback, white men, carrying a can of oil, or burning fluid, and a lot of cotton balls, attempted to fire Old Town by throwing these balls, saturated with the fluid, and ignited, under several of the houses. Supposing their diabolical efforts would be successful, they rode through the streets to New Town, and there repeated the attempt, in the latter place piling a lot of brush and kindling against a house, and after pouring over it burning fluid, set fire to it and rode off. Fortunately both fires were discovered and put out before any damage was done. A day or two before, from Nord, a



neighboring town, six miles north of here, all the Chinamen were driven out, many shots being fired into their house, and the house itself burned to the ground. Very recently a building, a mile from town, owned by General Bidwell, and occupied by Te Kee, a Chinaman, for storing pork, etc., was fired and burned up, burning fluid being used. A mile west of town on Chico Creek, Ah Shu, a well-known and respected Chinaman, had maintained a laundry for years. Last week the torch of the incendiary was applied, and in a short time ashes marked the spot which his industry had improved. These all are outrages; may we not find the cause?—*Chico Correspondence of S. F. Chronicle, March 17.*

FACT NO II.—THE THREATENING NOTICES FORWARDED WITHIN A FEW DAYS TO EMPLOYERS AND SUPPORTERS OF THE CHINESE.

The following postal cards were delivered in Chico while the public meeting was being held there denouncing the massacre of the Chinese:

To General Bidwell—Sir: You are given notice hereby to discharge your Mongolian help within ten days from date, or suffer the consequences. Let this be enough. COMMITTEE.

March 15th.

Charles Ball—Sir: Get rid of your Chinese help within fifteen days from this date or meet the consequences.

COMMITTEE.

Chico Hotel—Sir: Get rid of your Chinese help within the next two months, or you'll meet the consequences. You'll find out in time which is the best course for you to take; fair warning.

COMMITTEE.

March 15th.

Mrs. Jones—Madam: Have the kindness to discharge your Chinese help and save trouble.

COMMITTEE.

March 15th.

Union Hotel—Sirs: If you would consult your interests, get rid of your Chinese help—all of them—inside of twenty days from this, and save your property from the red glare of night. Let this be your warning.

March 15th.

COMMITTEE.

To S. M. Decker—Sir: You will discharge all the Chinese help in your em-

ploy at present, on or before the first of next month and save yourself trouble. You will not be told again.

March 15th.

COMMITTEE.

The following with reference to the reward offered by Messrs. White and Noonan for the arrest of those attempting to burn Chinatown, will be found interesting. Mr. White also received a similar one:

Mr. J. C. Noonan—Sir: We see that you have offered a reward of \$500 for the arrest of anybody trying to burn either of the Chinatowns. Now, look here, Mr. Drugs, you had better let that job out, for if you cause the arrest of anybody for that, or for molesting Chinamen in any manner, you will have six inches of cold steal or half an ounce of lead introduced into your body, or, to speak plainly, you will be sent to hell inside of 24 hours. You have carried this thing far enough, and we are getting tired of it, so damn your China heart, if you don't keep your infernal mouth shut, we will silence it forever. So take care and look out for the

KUKLUX KLAN.

THREATS TO KILL COL. BEE OF THIS CITY,

For his sympathy with, and advocacy of the Chinese element in the State. Col. Bee received a postal card on the 17th inst., of which the following is a copy:

Col. F. A. Bee, city: Dear Sir:—The 11 of 708, have you marked. You had better not have sent your \$500 to Chico. The Chinamen have got to leave this country, and that little affair in Butte county is only a preliminary. Take my advice and leave this State in thirty days or you will be killed. All of you who are in for coolies and against the whites here are marked. 708.

The above was mailed at Station B, March 17, twelve m., in this city. The Chico conspirators have therefore a branch of their order in this city, who do not scruple to use the Postoffice as the vehicle for sending an open threat of assassination to a prominent citizen on account of his private opinions on the Chinese question. This is not the only threatening notice that has been sent.

Senator Morton was favored with one during the Chinese investigation.—*Post, March 20th.*



FACT NO. III.—THE CONFESSIONS MADE BY THE ASSASSINS THAT THEY ACTED UNDER ORDERS OF SECRET ORGANIZATIONS.

CHICO, March 27.—The five assassins and incendiaries now held to answer without bonds are Fred. E. Conway, Eugene B. Roberts, Thos. W. Stainbrook, Charles Slaughter and John Slaughter. The six held in \$3,000 bail each for arson only are: Adam Holderbaum, John Mahoney, Henry C. Wright, James Fahey, Pleasant Slaughter and Hayden J. Jones.—*Chronicle*, March 28.

JOHN SLAUGHTER'S CONFESSION.

He said: "I belonged to the Laborer's Union, I think the right name is 'Laborers' and Workingmen's Protective Society.' It was organized some time early last winter, up stairs in Chico Hall. There are other societies; one at San Jose and one at Sacramento. The head man here was A. M. Ames, who called and organized the meetings. Clinton and McCully said I had better join in the order; that by doing so I could get all the work I wanted. I went with them to the lodge room in Armory Hall on Second street, and was initiated. I had to swear to a little document to do all in my power to elevate the white race and drive the Mongolians from our shore. I did not then know that

I WOULD HAVE TO MURDER THEM

To get them away. *I thought it was like the Caucasians.* After I had sworn to the document the doors were closed and there was some talk about firing the two Chinatowns. They thought they would burn the Chinatowns some night, and the day after drive the Chinamen out; that lots of citizens were in for it, and even some of the National Guard said it would be no trick to do, *for even if they killed a few Chinamen, it would not amount to anything.* President Ames said to keep ourselves in readiness; that we were liable to be called on at any time. He wanted us to arm ourselves, and when a man was called to do anything he had no right to go back. He said

HE HAD PLANNED TO BURN BOTH CHINA TOWNS,

But some of the members had refused; that he would have them hanged to lamp-posts if they did not comply with

his wishes. The society suspected that Ames was a United States detective, and this is why the plan was not carried out. Chico Lodge, No. 1, was composed of three divisions. Each division had a Captain; each Captain had First and Second Lieutenants, and these officers constituted the Council of Nine. The Captains were Ames, Swain and James; the Lieutenants, Shuffleton, Hank Wright, Roberts and others. The council proceedings were secret from the other members, who had to act when called on.

H. T. JONES' STATEMENT.

H. T. Jones is a Kentuckian. He came here with Donaldson in 1847. He confessed to-day, confirming Wright's confession. He says that A. M. Ames proposed in the council to fill two cylinders with acid, put them under the brick houses in Chinatown and blow them up; but the council would not do it because of the injury that might result to white men. To the *Chronicle* reporter he said: I joined the order some time in January. It would have been better for me if I had never joined. It was because of the excitement about Chinamen, and at the request of A. M. Ames. There were between 160 and 170 members, consisting of laborers and mechanics. There were some business men. Its name was

THE UNITED WORKINGMEN'S ASSOCIATION.

This was Chico Lodge. A. M. Ames was President. The council was first intended as a jury to try charges against members, but it agreed to go further and burn the two Chinatowns. Ames talked of the burning on the outside. The Society expelled him for this and elected Hank Wright to fill his place. *The Council had authority to call any member of the Society to do anything it decided upon.* Wright's division did the Butte creek burning and the killing of the Chinese. Holderbaum's division attempted the burning of the two Chinatowns. On the night of the fire some dead hogs floated from the slaughter house occupied by Chinamen near where I lived. I was vexed and spoke of it to Hank Wright. He said: "Eugene Roberts wants to get rid of it." I said: "Let us go up and burn it—you and I." He said: "All right; we will go up to-night." At night Roberts



brought out a can of oil to use. Wright took it and he and I went to the slaughter house. He threw the oil on the roof, fired a bag of straw, threw it up and the building burned. We made a good job of it. I was a Captain. A man named Williams, now at Red Bluffs, was one of my Lieutenants.—*Chronicle*, March 28.

#### EUGENE ROBERTS CONFESSION.

Eugene Roberts is 20 years old, a native of Concord, N. H. He came to California about three years ago, and has lived in Chico and vicinity for the past six months. He worked for Kempf & Chamberlin, butchers. He says he hardly knows how he got into the fix; it was through excitement about the *Chinamen and the Labor Union* he supposes. Following is the confession of Roberts, made to detective Hall: "In the afternoon of the 14th of March I called at Slaughter's and took John with me to the slaughter house to assist in turning up beef, and in course of conversation between me and John Slaughter, he said: "Let's go up and burn the China cabin on Lemm's ranch." I said "Agreed," and I said "Who will go?" He replied: "Fred. Conway and I, and Thomas Stainbrook and Charles Slaughter, making five in all."—*Chronicle*.

#### CONFESSION OF A. M. AMES, FOUNDER OF THE LABORERS' UNION — STARTLING REVELATIONS.

A reporter having interviewed A. M. Ames at Chico, in the presence of the City Marshall, his statement was reduced to writing, read over and corrected by him.

He charges upon the Laborers' Union a conspiracy to murder white men and Chinese, and to destroy their property. The organization had its secret signs and pass words. Its object was assassination and violence. The Caucasians who joined it were the most violent.

He claims to have had a long commendatory letter from P. S. Dorney, Supreme Commander of the Order of Caucasians, approving of the Laborers' Union, and promising hearty sympathy and co-operation. This epistolary document has unfortunately been burned.

The Council of Nine were but the instruments of that organization. The elect of the Council of Nine took this

castiron oath: "I swear before God Almighty that I will carry out and obey all the orders of the Council of Nine, whatever they may be. If I do not do so my life is forfeited and may be surely taken, as I may be put to death by this Council of Nine.—*Post*, March 30.

#### FACT No. IV.—THE ANTI-COOLIE CLUBS HAVE OFTEN MADE DECLARATIONS WHICH CELARLY INDICATE THAT THEY WILL USE FORCE IF NECESSARY TO CARRY OUT THEIR OBJECT OF DRIVING THE CHINESE OUT OF THE STATE.

The above testimony furnishes ample evidence as to the object and means proposed by the Labor Union and Workingmen's Protective Society.

The Anti-Coolie Association being the oldest, has always advocated coercion as the last resort. As early as December 1st, 1869, at the Anti-Coolie meeting held at Congress Hall in this city, for the purpose of hearing and approving the report of the committee appointed to investigate the condition and habits of the Chinese. Mr. Taggart, a member of the committee after reading the report, used the following language, editorially commented by the *Alta California*, December 6th, 1859: "If the importation of coolies is continued the people will rise in their might and take the law into their own hands, and if we cannot get justice from the Legislature, we will begin to think that patience ceases to be a virtue."

On the 2d of April last year, at the third meeting of the Twelfth ward Anti-Coolie league, John Maguire being president, and F. A. Lynch, Secretary, the following resolutions were unanimously adopted by the League."

*Resolved*, That realizing the menacing attitude which the coolie labor assumes toward the manufacturing interests of California, and believing that the time is not far distant when we will have to protect ourselves by the most efficient means, the interests of white labor demands that we form ourselves into an association to be known and styled as the Twelfth Ward Anti-Coolie League.

*Resolved*, That the officers of the Association shall consist of a President, Vice-President, Secretary and Treasurer; and that members shall assemble at any time and place when they shall deem it advisable to do so.



*Resolved*, That the members of the League shall mutually pledge themselves to the undertaking, and *sacrifice their lives and property* if necessary to the accomplishment of the work.—*Chronicle* April 3, 1876.

And what does it mean "to sacrifice lives and property if necessary to the accomplishment of the work," except to use force and fight if necessary, regardless of consequences? The same resolutions were reported in similar language, by other clubs.

At the famous Anti-Chinese mass meeting held April 5th, 1876, violence was openly advocated in the open air meeting by several speakers. "The people," said Dr. Vozencroft, may be driven under that necessity which knows no laws to make a law unto themselves." A Winn proposed a resolution which was unanimously adopted to the effect that "we guarantee protection to the Chinese now among us, but not to those who may come hereafter."

These sentiments have been repeated at public and private meetings by the Anti-coolies ever since. Hence some of the city journals though advising forbearance while the Chinese question is pending before Congress, have hinted at a possible outbreak of violence if it should be decided unfavorably to the Anti-Chinese.

At the workingmen's mass meeting held at Union Hall on the 21st of September last at which the Hon. Philip Roach one of the speakers, remarked that "the workingmen of San Francisco were fully able to conserve the public peace and the whole trouble consisted in a few mischievous boys burning a few Chinese wash-houses," one D. Kearney, a teamster, gave vent to the following remarkable sentiments reported in the *Chronicle*, the paper mostly recommended by Kearney himself:

"We can take care of this Chinese question in two years. I say every freeman in California has a right to have a musket in his house, and, if necessary, one hundred rounds of ammunition. In one year we will have 20,000 men on our roll, 20,000 muskets in our hands. Then let them bring on the regular army to put us down. Let them bring on their police, their Committee of Safety. [Up- roarious applause.] He then described the burning of Moscow by Napoleon in significant terms. We don't want to send little boys out to burn Chinese wash-houses; no, we want organization to resist the regular army and

the gray coats and the Committee of Safety when the time comes. [Applause, and cries of derision against the Committee.] A little judicious hanging right here and now will be the best course to pursue with these capitalists and stock sharps who are all the time robbing us. The press tomorrow will denounce me as an incendiary orator, but I don't care, I had rather hang here to-night and be in the right, with their hatred, than to live secure in the infectious leprosy of their friendship. I say, shame on a people that will submit to this! Keep up your courage, boys, and come to the front, and we'll fix this question. When the blow will be struck it will be in a manner to mystify them at Washington. One hundred thousand workingmen in arms at once! Where, then, is your Chinaman? Where is your regular army?" *S. F. Chronicle*, Sept. 22, '77.

At the open-air meeting held September 23d in the afternoon at the sand lot of the New City Hall from eight hundred to one thousand persons being present,

"The same wild whims" says the *Alta*, "and incendiary invective that characterized the meeting at Union Hall furnished the stock-in-trade of the noisy "orators" and self-appointed "leaders," who are attempting, simply for their own notoriety, to influence the passions of workingmen up to the sticking point of riot, sedition and insurrection, and at last the culminating crime against the sovereignty of the State-treason itself. In these, the ideas of these madmen will result, unless they be speedily taught that freedom of speech, and the right of the people, peaceably to assemble and petition the Government for redress of grievances, do not mean the right of an intemperate group of men, held together by the cohesive power of contagious conceit, to incite large popular assemblies and in their presence enter boldly into a conspiracy to defy the Government, and to put it down in the event of its interposition. The objects of the leaders and participators in this movement in San Francisco are now so clearly defined, that they may be stated in the following terms:

First. To organize for the purpose of liberating the "leaders," should they be arrested by the civil authorities. This proposition was declared by the Chairman at the New City Hall meeting yesterday. Is conscience making cowards of the leaders already, on the very threshold of their enterprise?

Second. To cow the Press into neutrality, or an active support of the scheme; as the speaker expressed it yesterday, to "battle down the opposition of the Press."

Third. To extirpate the Chinese on this Coast.

Fourth. To redistribute property, so that the poor shall have something, and the rich not so much; or, in the language of a speaker, "not that we want to take away what men have already acquired, but so that one man's wife shall not sport her diamonds, while an-



other's goes in rags.' No doubt this means Agrarianism, or the equal division of property among the inhabitants of a country, without regard to who owns it. The only thing new about this doctrine would be its successful application anywhere." *Alta California* Sept. 24, 1877.

The *Evening Post* the acknowledged organ of the anti-Chinese in its issue of August 2d said "we want a vigorous public opinion practically directed and applied, which among other things will make it decidedly uncomfortable for property owners to rent buildings for Mongolian colonies." And in its issue of Sept. 12th gives the following advice editorially in an article entitled "they still stick."

"It is therefore in order for the anti-Chinese associates to prepare an exact list of all such houses, with details of their business relations with the Chinese, and the retail stores dealing with them. In this way the root of this great evil may be got at, for so long as it pays a class of business men to hire coolie labor, so long will they continue to employ it. It is only when they find it does not pay that they will discharge Chinese labor."

It is thus that in Free America political and social proscription is threatened against those who without violating any law make a free use of their property, employ or trade with other men as best suits their own interests—a right granted to every man, even by barbarous nations! And this advice is given by an American journal now managed by Irishmen who of all others should not proscribe any foreign colony as they themselves have obtained an asylum and have been clothed with the rights and privileges of citizenship by the wonderful magnanimity of the American Government.

At the anti-Chinese ratification meeting, held at Union Hall, August 29, Mayor Bryant being present, the following treasonable language was used by Judge Bradford. "The same tactics must be applied to the Chinese that were applied by the Colonies to the British. It is a principle of republican institutions, that when petitions are unheeded, and contemptuously disregarded, there is the right to rebel. That is a principle recognized, and if the Government of the United States does not afford relief on this question; if the people are to depend upon that Govern-

ment and no relief should come, there are not soldiers enough in the United States army to prevent an insurrection. And, Mayor Bryant being called upon, expressed the hope that Congress will see the necessity of preserving this State as one of the most peaceable and prosperous of the Union, and will do something to relieve the people of the evil that is growing to such an unbearable extent, realizing that if not relieved the people will in time do something to relieve themselves.—*S. F. Call*, August 30, 1877.

Here it is fair to ask these revolutionary gentlemen whether it ever occurred to them that this question of Chinese immigration is a national one on which the other States have a voice beside California. And what evidence have they that the majority of the people of the United States, nay the majority of the people of California are totally opposed to Chinese immigration? Certainly the farmers and gardeners are not, for they have declared that without Chinese help they cannot gather their crops; the manufacturers are not, because without it they cannot compete with Eastern manufacturers. The railroad builders are not, because without Chinese labor they could not profitably build their roads. Commercial men are not, because by stopping Chinese immigration our trade with the Orient, which amounts to several millions of dollars annually, will be at end. Religious societies and churches, except the Catholic, are not averse to Chinese immigration, because they regard it as a providential dispensation to convert them to Christianity.

Who is then, totally opposed to Chinese immigration? Foreigners by birth, and of Irish descent chiefly, headed by such political creatures of their own, as Mayor Bryant, and these have the supreme audacity of considering themselves as the people—the whole people of this State and nation and of threatening revolution if the Federal Government, does not grant their demand. Of course, in their estimation, the opposite side have no voice in the matter, and their rights are not entitled to any consideration by the Government. What impudence!

What more? Senator Sargent himself, has most imprudently given utterance



to the following significant language in his late report to Congress on the Chinese question. "*As long as there is a reasonable hope that Congress will apply a remedy for what is considered a great and growing evil, violent measures against the Chinese can be restrained.*" The natural inference of this declaration is that as soon as it is made certain that Congress no matter for how good a reason cannot comply with the demand of the Anti-coolies, violence will be resorted to. That so sagacious a Statesman as Senator Sargent should not discover that such an intimation was a covered threat and therefore a most contemptible insult to Congress and the whole nation is indeed a matter of great surprise which causes sorrow. A petition accompanied by threat is in all cases doomed to disappointment; how much more in a case like this?

#### FACT No. V.—THE CAUCASIAN ORDER.

Says in its prospectus: "Organized and inferior labor and laborers (the Chinese) having through the influence and power represented and described by the terms *Profit and Loss* forced our people out of place, *organized effort must force them back* else, they (our people) must sink to that level resting upon the lowest Financial fulcrum, for the lever resting *if permitted undisturbed*, must by the force of natural law level all." Such being the unflinching determination of the Caucasians to "*force back* the inferior labor which has forced our people out of place it follows logically that they shall and will make use of coercion if necessary to obtain the desired result.

But if the assertion "that the Chinese have forced *our people* out of place" means that these now fill all or even the greatest number of places formerly occupied by white labor, it is a gross falsehood which should cover that society with shame.

For it is a fact patent to all that in most of the avocations of life Chinese labor does not interfere at all with white labor. Neither in the public works of the city such as grading, paving and repairing of streets and in public buildings most of which is monopolized by the Irish; nor in many trades, as of house carpenters, bricklayers, painters, glaziers, plumbers, blacksmiths, foundrymen printing, bookbinding, tailoring, nor in any commercial pursuits, as

in banking insurance and commission; nor in any of the learned professions of law, medicine (with very few exceptions) and of divinity as well as in the fine and liberal arts of music, drawing and literature do they interfere. It is mostly in the market of purely mechanic labor that the Chinese compete and in a small measure only, but according to Langley's Directory for 1877 the number of Chinese laborers in San Francisco is estimated at 18,000 including domestics in a population of 301,020, more than one half of whom fill the various departments of labor. And is this "forcing our people out of place? Let mendacity hush!

Gad, a writer to the Chronicle from North San Juan, under date of March 20th, gives

#### AN INSIGHT OF THE CHARACTER OF THE CAUCASIAN ORDER.

Here are some extracts: I call attention to some extracts from the constitution of the Caucasians, published last Fall, and still a part of the secret obligations of every member. The criminality of its tendencies and teachings is so manifest that it is its own clearest commentary. I will only add that "public enemies" are those white people who patronize or favor Mongolian laborers. Article 16, on "public enemies" reads:

"Each and every individual Caucasian and every encampment, and the Supreme camp, pledge to each and every merchant manufacturer and trader, traveler, mechanic and laborer thus acting all their individual and combined influence, power, advertisement and patronage; and shall oppose to ANNIHILATION by every manner and means within the thin gauze of the law all others.

And it shall be the bounden and solemn duty of every Caucasian, of every camp, encampment, and the supreme camp, to pursue and injure every one while he remains on the list of public enemies, and each and every one forever, in all their walks of life, save religion, morality and person.

Every Caucasian, every camp, every encampment, and the supreme camp, shall labor to impede, harass and destroy a public enemy by every mode and means, and manner, known and unknown, within the reach of brains and thought, and act, and within the bounds of the law (?)

In his business, his means, his substance, his peace and success, publicly, privately,



socially, commercially, and above all politically.—Chronicle, March 22, 1877.

It is true that no sooner had this damaging exposition made its appearance in public print, than P. S. Dorney, S. M. O. of C., hastened to the front and in the same paper denied the above statements as untrue; but as the allegations are very explicit and distinct in language, they cannot very well be supposed to be fabrications made for the purpose of deceiving the public, when detection is so easy and self-injury so evident. Certainly an evidence so explicit cannot be refuted by a simple denial, or even by showing a copy of the altered constitution, which is not the original but a different document. Finally the confession of A. M. Ames above given, convicts Mr. Dorney and his Order of complicity.

But to add still further evidence as to the intent and purposes of the Caucasian Order, we give a few extracts from an editorial in the *Jolly Giant* of March 10th, by M. C. Knight, editor and chief councilor of Camp No. 46. O. of C.:

In this new institution the people will meet and defeat the capitalists with their own weapons. They will have the people united from one end of the land to the other. They will have a central committee that can command whatever it will and will be obeyed on the instant, in any place, before either power or authority can possibly prevent. They can come down with crushing power on those who oppose them, ruin manufacturers who employ Chinamen, aye, or farmers, or anybody else who encourage this scourge of miserable Asiatic cheap labor to come here to degrade and destroy the white race on this coast.

And in the issue of March 24th the same writer says:

"The fiat has gone forth that 'Cheap John' must leave our State. The war has begun. These Chico murders and fires are but the patterings of the storm to come. They are terrible crimes. No doubt. They make one shudder to think of them.

But who is the greater criminal, the wretch who has made a little money and thus uses it against his race, against the fair daughters of the land, and drives them to prostitution, or the poor brother of the victim, who slays the cause of her misfortunes? Who is the baser villain?

The workingmen of California have sworn that the Chinaman shall leave our shores. They are organizing in secret, as their

adversaries always do, to insure success. These organizations propose peaceful means while peaceful means seem to avail. But neither in private meeting, nor in public assembly has any man been so hardy as to ask that if peaceable means fail, others shall not be resorted to. Nor would the promise be given if asked for."

Who but a demented person has ever denied to employers and employes the right to make their own contracts on terms suitable to themselves for low or high wages? And if such is the natural right of every man on God's earth how can it be a crime to exercise it? And shall a man give up his own right because some one else suffers inconvenience? If white men want to work cheap or for nothing is there anyone outside of the Labor organizations, that threatens to kill them or even insults them? Pray where is your reason?

#### MORE RECENT FACTS.

The criminal complicity of this infamous organization with incendiaries, is thus lucidly presented by the *Woodland Mail* in its last issue: "It matters not whether the Order of Caucasians are the real instigators and incendiaries who have been burning property of late, they bear the blame to a certain extent. We might say that four-fifths of the people believe that they are the real perpetrators of the arsons committed. An order of this kind, having for its purpose the dislodgment of the Chinese laborers in our midst, can be charged with every act which goes to attain that end, whether directly or by way of revenge upon those who have at any time, or do now employ Mongolian labor, or who have work for laborers to do. It is well known that the Railroad Company were largely interested in the employment of Chinese in building their roads, and that the Central Pacific Company have lately engaged a large force to build their road from Suisun to Benicia. Immediately upon the institution of this work, the depots at Woodland and Vacaville were mysteriously burned, at the same time a fire consumed a large barn belonging to General Bidwell, near Chico, causing a loss of twelve thousand dollars. These things following upon the receipt of anonymous letters notifying persons who rent property to, or engage Chinese to work, accompanied with lucifer matches, which are very suggestive, make it impossible for the people to draw any other inference than that the incendiary fires were the work of members of that order."—*Woodland Mail*, October 19.

#### THE OUTRAGE AT ROCKLIN, PLACER CO— CHINATOWN DESTROYED.

The people of Rocklin having been excited by the report that Mr. and Mrs.



Oder and Mr. Sargent had been murdered by two or three chinamen at the farm of the latter near Rocklin on the 15th of September last.

"A meeting of citizens was held in Rocklin, and in furtherance of proceedings taken the Chinese residents of the town were notified that they had until 6 p. m. to leave, as at that time those that remained would be driven out. They evidently saw that it was folly to resist, and immediately made preparations to depart. At 4 p. m. the last squad, burdened with their baggage, filed out of town, and not one remained, including those that had been working in the railroad employ, except the prisoners. In their preparations for departure they were in no matter molested.

#### CHINATOWN DESTROYED.

At 6 o'clock this evening a body of men marched to the Chinese quarter, and every house, there was demolished. In one of them, a boarding house, there was a stove in which some fire remained, and, in consequence of this, when the sides and roof fell, the rubbish was kindled, and in a few minutes the material of this structure and another were in flames.--*Alta California*, Sept. 17, 1877.

Supposing that the two or three chinamen accused of murder were really guilty, which has not yet been proved, by what code of law are the innocent punished with the guilty and is their property destroyed? Is it not evident that the mortal enemies of the Chinese seized this favorable opportunity to carry out their avowed object to drive the Chinese from the place? Has any such summary method been employed against other foreign settlers before? Yet several murders have been committed at different times in this State by men of various nationalities.

#### THE GREAT ANTI-CHINESE RIOT IN SAN FRANCISCO ON THE EVENINGS OF JULY 23d, 24th AND 25th, 1877.

The disgraceful scenes which attended that terrible riot have been laid out in all their ghastliness before the country by journals and need not be repeated here.

But as the Local Press and some Anticoolie Orators have mildly designated that great Breach of Law and Order as a Riot of the Young Hoodlum Element, "the whole trouble of which" said the Hon. Phillip Roach at the late Anticoolie meeting, "consisted in a few

mischievous boys burning a few Chinese wash-houses" as though the Beale street fire entailing a loss of half a million oll ars were a mere bagatelle; therefore we deem proper to gather a few facts which will fix the stigma of the riot on its true authors. We begin with some

#### INCIDENTS OF THE THIRD DAY RIOT.

Shortly after seven o'clock the alarm was sounded for an incendiary fire started in the vast lumber piles on Beale street wharf, about a block from the great docks of the Pacific Mail Steamship Company. It is supposed to have been

#### A RUSE

Of the malcontents to draw off the vast array of forces against them from the mob which it had been intended to assemble at the City Hall, and the ruse was partially successful. The vast crowd that congregated around the fire obstructed the operations of the firemen. A detachment of the Committee of Safety was dispatched to disperse it. A bloody fight resulted, which necessitated the sending there of all the available forces of both the Committee and the police. Several were wounded and some killed in the fight by shots, stones and other missiles. The loss caused by the Beale street fire amounts to half a million of dollars.

Several other fires were started by incendiaries during the night, evidently for the sworn purpose of dividing the police force, and of the Committee of Safety.

Very few arrests were made during the night, which was remarkable, considering the alarming degree of lawlessness that prevailed. Something less than a score of prisoners were brought in by the regulars, the specials and the 850 Safety Committeemen who were on duty. (Extracts from the S. F. Chronicle, July 26.)

Now it is asked:

Were those who stormed, pillaged and fired the Chinese wash-houses, and murdered two Chinamen, all hoodlum boys? We answer no. But some of them were full grown men. Here is an instance of the second day riot, as reported in the *Chronicle* of July 25.

#### "BURNED TO THE GROUND.

At twenty minutes past 11 o'clock the fire alarm was sounded from box 219, corner of Filbert and Fillmore streets, and a



bright light was observed in that direction. A Chronicle reporter who investigated the character of the conflagration, after a tedious drive far beyond the locality indicated by the alarm, stumbled upon the embers of a small structure that stood near the entrance of the Presidio Reservation. It proved to have been a Chinese wash-shop, conducted for the benefit of that isolated locality, and as a matter of course was fired by an incendiary, although attended with no riotous demonstration. A resident in the vicinity, stated that he saw a man break in the door of the shop, and immediately after the flames burst forth. In consequence of the distance from the nearest engine-house the shop was destroyed before the engine could render any assistance.

#### MURDERED AND BURNED.

After the flames had been subsided an exploration of the premises discovered the bodies of two Chinamen burned to a crisp. The bodies were lying in the centre of the floor, face downward, and every appearance indicated that they had been struck down by the murderous wretch who was seen breaking into the shop. In what manner the unfortunate Chinamen were murdered, could not be ascertained last night, but an autopsy may possibly determine the question. The wicked deed created intense indignation among those who were present when the discovery was made. At the late hour at which the Chronicle reporter left the scene, no clue had been obtained to the identity of the perpetrator of this crime."

Again several ladies were eye-witnesses of the setting fire by white men to some wash-houses in more than one locality, according to the *Chronicle*.

*Second*—That incendiary orator was not a young hoodlum, who, in the open air meeting of the first night of the riot, said to the crowd: "I am sure that 'most of you wish to make a raid upon 'Chinatown to-night, and so help me 'God, if I thought that we could do it, 'I would get down from this stand and 'lead you this very moment.'"—*Chronicle*, July 24.

Nor was N. T. Brock a young hoodlum, who incited the crowd on the third day of the riot, to blow up the Pacific M. S. Co's. ships that brought the Chinese to these shores."—*Chronicle*, July 26th.

*Third*—They who painted the transparency, and inscribed it with the significant words, "Anti-Coolie Club—Self Preservation is the First Law of Nature;" also, those who carried it in pro-

cession, preceded by a band, and joined the Anti-Coolie open air meeting on the first night of the riot were not all young hoodlums.

The system shown by the rioters in their lawless career; the opportune absence of the police during their march of devastation through the most prominent thoroughfares of our city for several blocks; the partially successful ruse to divide the city force by starting several fires in opposite and distant directions, almost simultaneously. These and other facts prove conclusively that the originators and perpetrators of the great riot, were not all young hoodlums, but also men of experience and consummate malice.

#### LOGICAL SEQUENCE.

From the above enumerated facts it rightly follows:

That the great Anti-Chinese riot in San Francisco, of July 23d, 24th and 25th, was not altogether a "hoodlum outbreak," as it has been falsely designated by the local press, but the first experiment of a plot carefully devised and aided by persons of mature judgment, to rid this city and State of the presence of the Chinese, which, however, was checked by the opportune organization of the Committee of Safety. The private and public declaration often made on this score by prominent persons and journals averse to the Chinese, leave no doubt as to the secret agency which caused in July last the great anti-coolie riot in San Francisco and which inspires and encourages the several incendiary public meetings which are now being held in this city with the criminal connivance of the City Authorities.

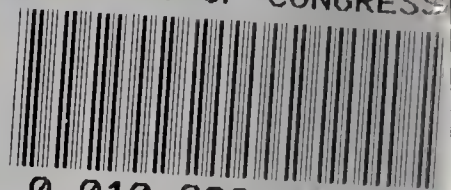
#### CONCLUSION AND APPEAL TO THE CIVIL AUTHORITIES!

In view of these incontestable facts does it not become the most imperative duty of the civil authorities to take proper measures in time to avert a terrible catastrophe by properly warning said secret societies and all their members individually of their liabilities to prosecution under the law. Shall they wait until the storm has broken with fierceness and intensity in our midst? It is only by prompt action that the danger can be averted, that peace and prosperity, freedom and equality, right and justice can be secured to our population and every individual protected by the Constitution without distinction.





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